

## 1 HOUSE JOINT RESOLUTION

2 WHEREAS, On January 1, 2000, the Illinois Commerce  
3 Commission proposed rules titled "Requirements for Businesses  
4 with Private Business Switch Service to Comply with the  
5 Emergency Telephone System Act" (83 Ill. Adm. Code 726; 24  
6 Ill. Reg. 1); and

7 WHEREAS, The rules proposed by the Commission established  
8 enhanced 9-1-1 emergency telephone system requirements for  
9 business entities, schools, local governments, and  
10 not-for-profit organizations unless those entities are  
11 exempted by the Emergency Telephone System Act; and

12 WHEREAS, The General Assembly's Joint Committee on  
13 Administrative Rules (JCAR) voted to prohibit the filing of  
14 those rules for adoption on April 11, 2000 because the rules  
15 applied to schools, governmental units, and not-for-profit  
16 organizations and created an undue economic and regulatory  
17 burden on business entities; and

18 WHEREAS, JCAR withdrew the prohibition on June 13, 2000  
19 because the Commission modified the rules to meet JCAR's  
20 objections; and

21 WHEREAS, The Commission adopted emergency rules effective  
22 June 13, 2000 titled "Requirements for Non-Business Entities  
23 with Private Business Switch Service to Comply with the  
24 Emergency Telephone System Act" (83 Ill. Adm. Code 727; 24  
25 Ill. Reg. 8635) that JCAR noted contained the same provisions  
26 applicable to schools, governmental units, and not-for-profit  
27 corporations that were withdrawn by the Commission from its  
28 prior, broader rulemaking; JCAR objected to and suspended the  
29 emergency rules for 180 days on June 13, 2000; and

30 WHEREAS, On June 23, 2000, the Commission proposed rules  
31 titled "Requirements for Non-Business Entities with Private

1 Business Switch Service to Comply with the Emergency  
2 Telephone System Act" (83 Ill. Adm. Code 727; 24 Ill. Reg.  
3 8454) that were identical to the suspended emergency rules;  
4 and

5 WHEREAS, JCAR, during its review of the proposed Part 727  
6 rulemaking, as directed by the Illinois Administrative  
7 Procedure Act, determined that the rulemaking was contrary to  
8 statute and also constituted a serious threat to the public  
9 interest and welfare; and

10 WHEREAS, JCAR based its determination that the rule  
11 proposed by the Commission was contrary to legislative intent  
12 on the fact that the Commission exceeded its statutory  
13 authority under Section 15.6 of the Emergency Telephone  
14 System Act by extending the application of the Act to  
15 schools, local governments, and not-for-profit organizations  
16 through the emergency telephone system regulations contained  
17 in the rules; and

18 WHEREAS, As required by the Illinois Administrative  
19 Procedure Act, strict adherence to legislative intent as  
20 expressed through statute and a concern for the well-being  
21 and welfare of Illinois citizens, including school children,  
22 are all elements of the JCAR review process; and

23 WHEREAS, Based on the determination, JCAR prohibited the  
24 filing of the above-cited Part 727 rulemaking for adoption;  
25 and

26 WHEREAS, Because Section 5-115 of the Illinois  
27 Administrative Procedure Act states that a filing prohibition  
28 of an agency's rulemaking is effective for a period of at  
29 least 180 days, the prohibition issued by JCAR commenced  
30 January 9, 2001 and will terminate on July 7, 2001 unless it  
31 is continued by the adoption of this Joint Resolution by both  
32 houses of the General Assembly as provided by subsection (c)

1 of Section 5-115 of the Illinois Administrative Procedure  
2 Act; therefore, be it

3 RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE  
4 NINETY-SECOND GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE  
5 SENATE CONCURRING HEREIN, that the General Assembly continues  
6 the filing prohibition on the Illinois Commerce Commission's  
7 proposed rulemaking titled "Requirements for Non-Business  
8 Entities with Private Business Switch Service to Comply with  
9 the Emergency Telephone System Act" (83 Ill. Adm. Code 727;  
10 24 Ill. Reg. 8454) issued by the Joint Committee on  
11 Administrative Rules on January 9, 2001; and be it further

12 RESOLVED, That suitable copies of this resolution be  
13 delivered to the Executive Director of the Joint Committee on  
14 Administrative Rules and the Chairman and Executive Director  
15 of the Illinois Commerce Commission.